



PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Applicant: Mr. Lynn Kirkpatrick

Date: October 12, 2001
Expires: November 10, 2001

Application No. CEMVR-OD-P-389800

Section 404

Joint Public Notice
US Army Corps of Engineers
Missouri Department of Natural Resources

1. **Applicant.** Mr. Lynn Kirkpatrick, Route 1, Box 160, Arbela, Missouri 63432
2. **Project Location.** Sections 18 and 19, Township 66 North, Range 10 West, Scotland County, Missouri; North Wyaconda River
3. **Project Description.** The purpose of this channelization project was to protect a dirt bike track and two uninhabited mobile homes by diverting the natural flow of the North Wyaconda River away from these structures. In September 1999, the applicant hired a contractor to excavate a 240' x 20' x 10' pilot channel adjacent to the North Wyaconda River. A portion of the excavated material was sidecast near the pilot channel in a non-wetland area, and the remaining material was placed in the bottom of the North Wyaconda River to create "ditch plugs" on the upstream and downstream ends of an 1,100' x 60' river meander. Approximately 940 cubic yards of earthen material were placed into the river channel to create the 60' x 30' x 10' upstream plug and the 50' x 25' x 6' downstream plug. It is estimated that an additional 4,000 cubic yards of material will enter the aquatic ecosystem as the sidewalls and bottom of the pilot channel erode into the North Wyaconda River. The applicant believes the soil erosion control provided by 14 (recently constructed) upland dry dams adequately compensates for the adverse impacts to the aquatic environment associated with this project.
4. **Agency Review and Where to Reply.**
 - a. Department of the Army, Corps of Engineers. The after-the-fact Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344.) Processing of this after-the-fact application was initiated only after appropriate enforcement procedures had been completed pursuant to 33 CFR Part 326. If this after-the-fact authorization is determined to be contrary to the public interest, corrective action will be taken in connection with the work already accomplished. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. Mr. Gene Walsh (309/794-5674) may be contacted for additional information.
 - b. State of Missouri. The project plans have been submitted to the Missouri Department of Natural Resources (MDNR) for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Missouri Department of Natural Resources, Water Pollution Control Program, Post Office Box 176, Jefferson City, Missouri 65102 with copy provided to the Corps of Engineers (see paragraph 4.a. of this public notice for address.)
5. **Historical/Archaeological.** Based upon the nature and location of this after-the-fact channelization project, the Corps has determined that this permit area has significant potential to contain both surface-exposed and deeply buried historic properties that may be eligible for listing on the National Register of Historic Places. In addition, the Missouri Department of Natural Resources finds the permit area to have "moderate to high potential for the presence of archaeological sites." The Corps has requested the applicant submit four (4) copies of a Phase I archaeological survey and geomorphological evaluation report covering the entire permit area including the old and new channel corridors as well as all mitigation areas along with all access corridors and staging areas for equipment or materials related to the project.

6. **Endangered Species.** District staff have performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. Our preliminary determination is that the completed activity did not adversely affect any listed species or critical habitat. Therefore, no formal consultation has been initiated with the United States Fish and Wildlife Service at this time. However, this preliminary determination is subject to change should further information become available.

7. **Dredge/Fill Material Guidelines.** The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230.)

8. **Public Interest Review.** The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. **Who Should Reply.** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. **Public Hearing Requests.** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. **Reply to the Corps.** Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building – Post Office Box 2004, Rock Island, Illinois 61204-2004.

Mr. Gene Walsh (309/794-5674) may be contacted for additional information.

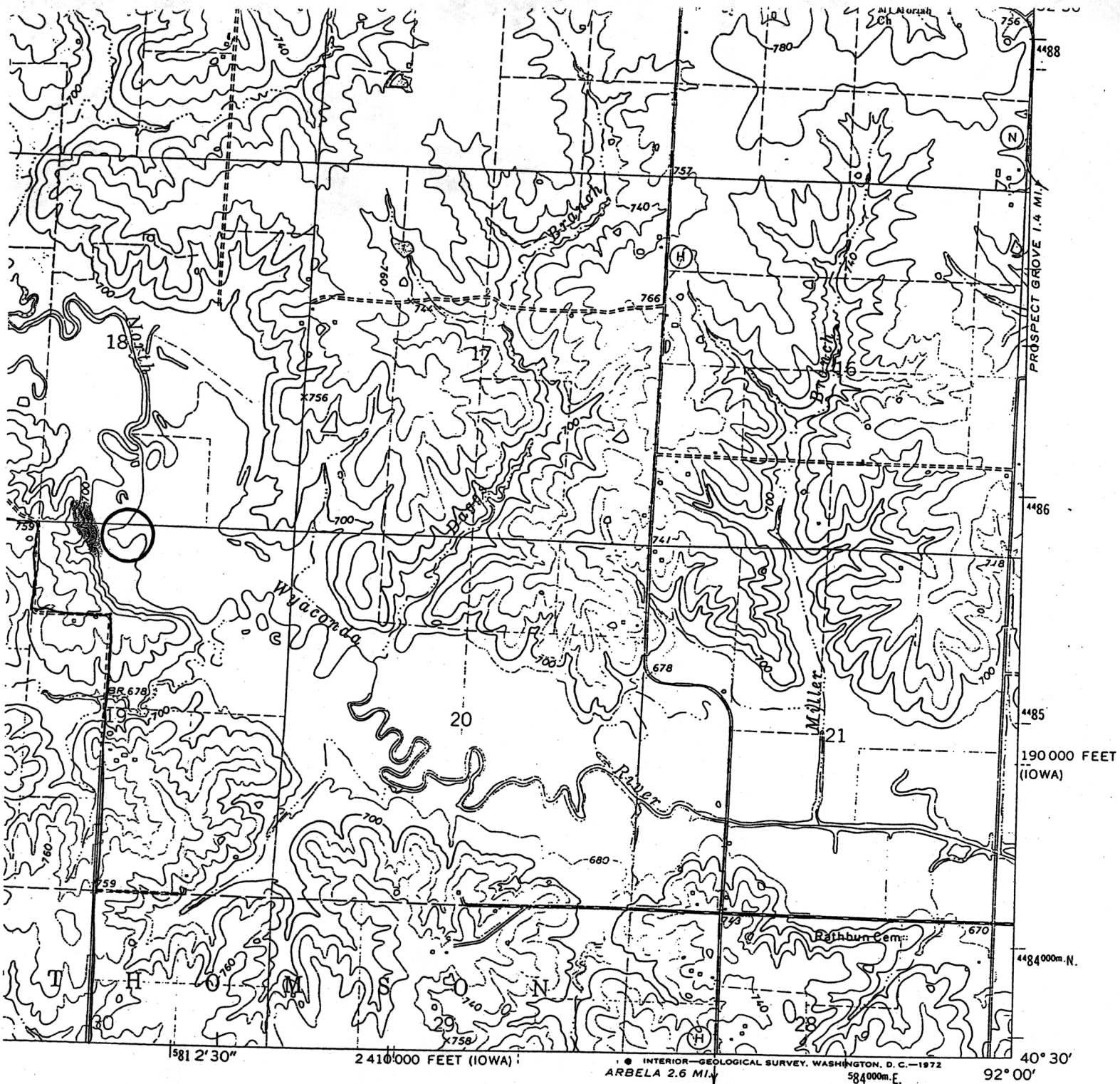
Original signed by

Attach
Plan

Gene Walsh
Project Manager
Regulatory Branch

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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1 MILE
6000 7000 FEET
1 KILOMETER



QUADRANGLE LOCATION

INTERIOR- GEOLOGICAL SURVEY, WASHINGTON, D. C.—1972
ARBELA 2.6 MI. 584000m. E.

ROAD CLASSIFICATION

Secondary highway, all weather, Light-duty road, all weather,
hard surface..... improved surface.....
Unimproved road, fair or dry
weather.....

○ State Route

CEMVR-OD-P-389800
Lynn Kirkpatrick
Stream Channelization
Location Map
Sheet 1 of 5

AZEN, MO.—IOWA
N4030—W9200/7.5

1970

AMS 7565 II SE—SERIES V879

W

LOCATION:

Memphis

MILTON
Iowa

ROUTE 15

ROUTE BB

Iowa

2

ROUTE 136

ROAD

RACE TRACT

CROSSING

PROJECT

ARRELA. Mo

ROUTE 14

N

LIST OF ADJACENT PROPERTY OWNERS

NO.

ADDRESS

- 1.
- 2.
- 3.
- 4.

CEMVR-OD-P-389800
Lynn Kirkpatrick
Stream Channelization
Vicinity Map
Sheet 2 of 5

PROJECT DESCRIPTION:

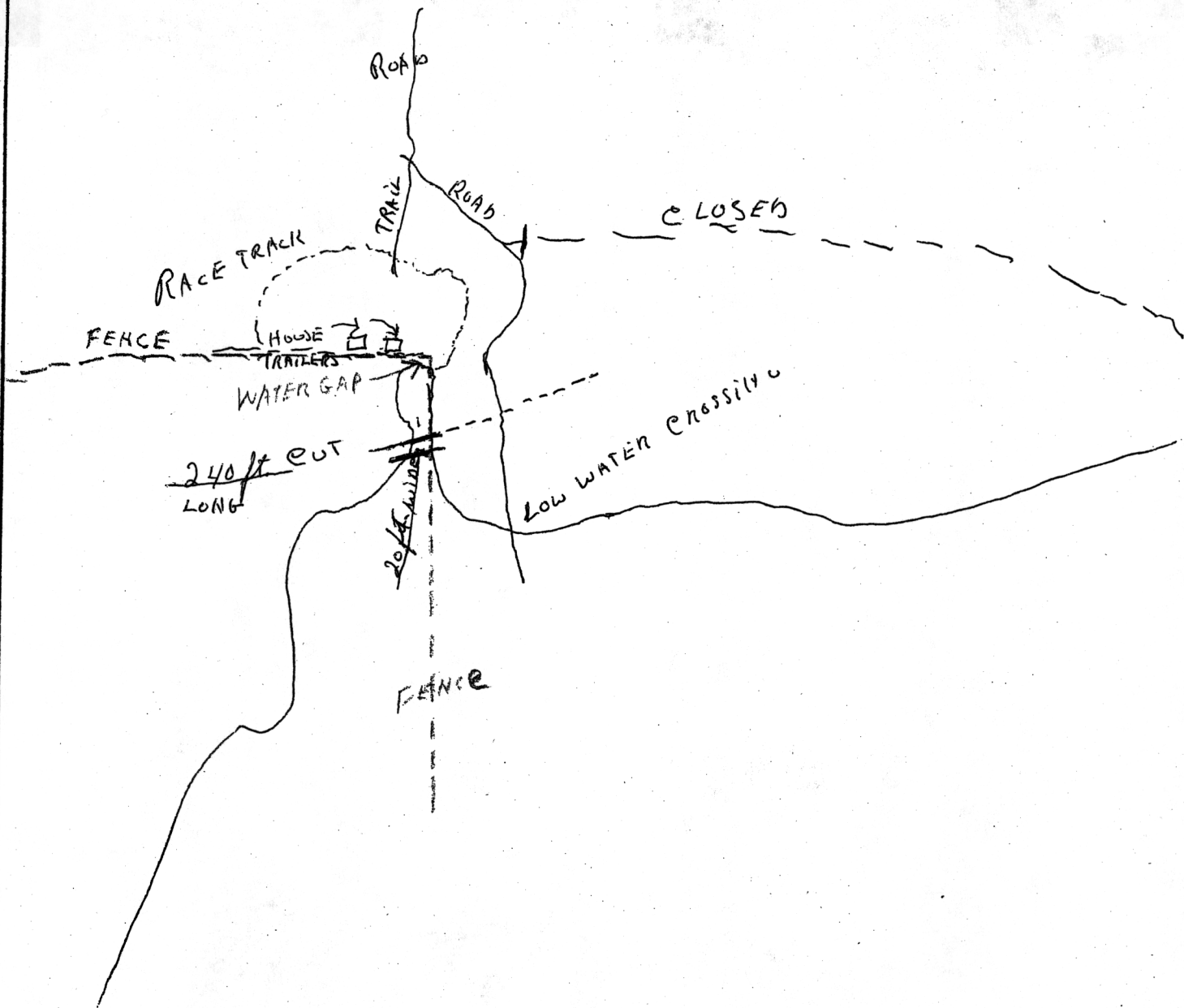
SEC 18
T 66-67
R 10-W

LOCATION:

SEOTLAND COUNTY
MISSOURI

F

W



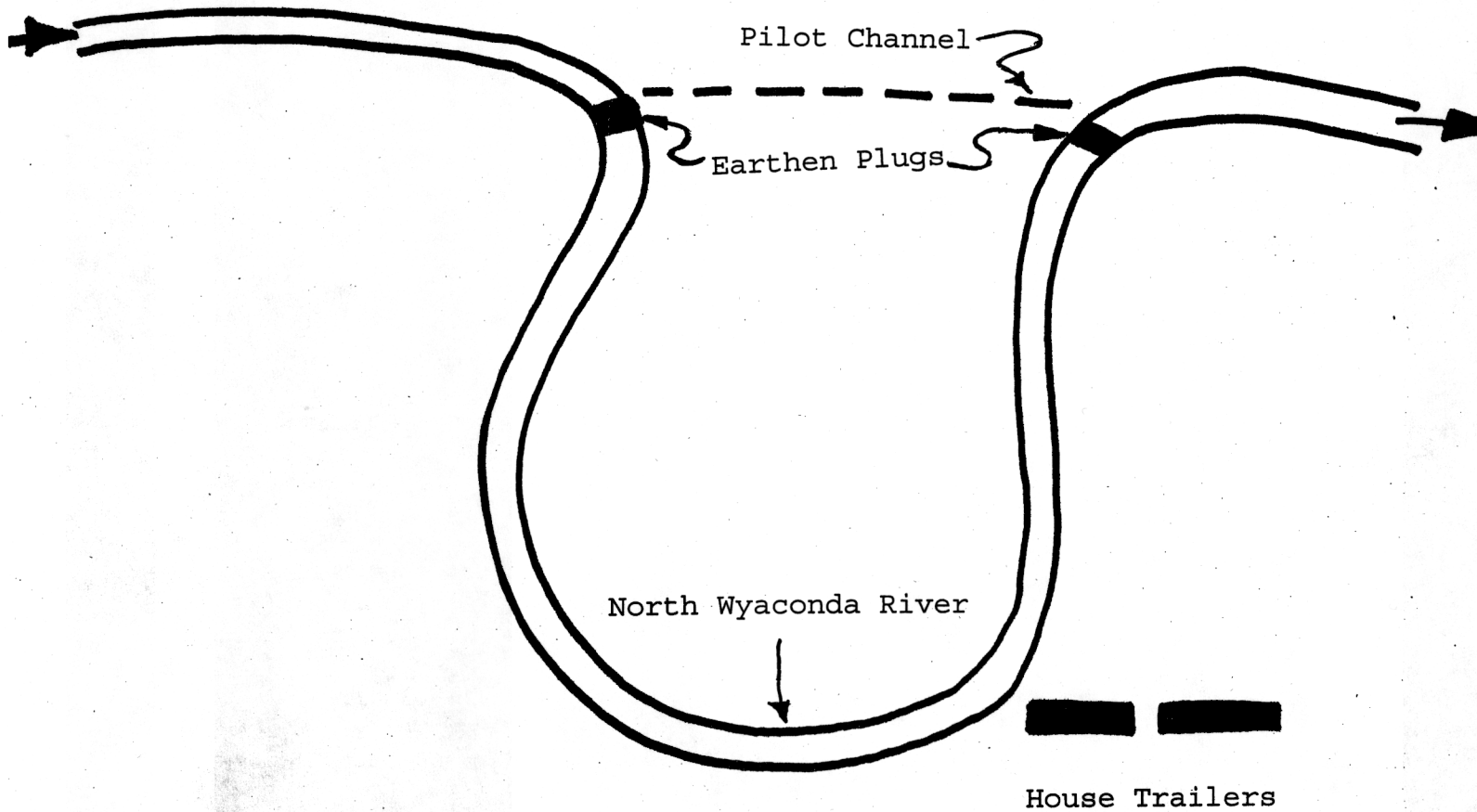
17

CEMVR-OD-P-389800
Lynn Kirkpatrick
Stream Channelization
Vicinity Map & Site Plan
Sheet 3 of 5

E

Stream Channelization Project

Stream Flow →



House Trailers

CEMVR-OD-P-389800
Lynn Kirkpatrick
Stream Channelization
Site Plan
Sheet 4 of 5

Dirt Bike Track

228-L

SCOTLAND

I-3
I-4

30
wht
31.2

33 failed
wht
40.0
25.0

5.8

19

20.8